IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Jarvis, et al.	) Confirmation No: 9794
	) Group Art Unit: 2625
Serial No.: 09/917,493	)
	) Examiner: Milia, Mark R.
Filed: July 27, 2001	)
	) Atty. Docket No.: 10010790-1
For: Dynamically Loaded Applications in	)
a Printer	)

SUPPLEMENTAL REPLY BRIEF RESPONSIVE TO EXAMINER'S ANSWER

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Supplemental Examiner's Answer mailed November 15, 2007 has been carefully considered. In response thereto, please consider the following remarks.

AUTHORIZATION TO DEBIT ACCOUNT

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account no. 08-2025.

REMARKS

The Examiner has provided in the Supplemental Examiner's Answer various responses to arguments contained in Applicant's Reply Brief. Although the Supplemental Examiner's Answer has added some additional remarks in response to Applicant's arguments, the substance of the rejections and the Examiner's positions have not changed. Accordingly, Applicant stands behind the arguments set forth in the Appeal Brief and the Reply Brief. In addition, Applicant addresses selected responses in the following.

The Supplemental Examiner's Answer contends that "Yan states that an application can request functionality from a peripheral device, using API 228 (agent), and the virtual machine instruction processor 214 (manager) executes the system calls. Further the API 228 enables executable computer programs 226 (application program) to access functionality associated with a peripheral device, such as a printer (see column 9 lines 33-39). Therefore the virtual machine instructions processor does invoke functionality on an application program loaded on a printer." Page 3. As shown in Figure 2 of *Yan*, Applicant notes that all of these components are located on the peripheral device itself.

To use claim 1 as a reference, the claim recites a manager loadable printer that comprises an application program loaded on the printer, wherein a manager invokes functionality on and receives results from the application program via an agent remotely located from the application program.

Applicant submits that virtual machine instructions processor or the Examiner's proposed "manager" does not invoke functionality on executable computer programs 226 residing on the peripheral device in *Yan*. For example, Applicant notes that *Yan* states that "the peripheral device invokes certain predetermined system calls in peripheral API 228 which in turn invokes virtual machine instructions on the virtual machine instructions processor and causes the peripheral device to operate." Col. 9, lines 43-49. Accordingly, the virtual machine instructions processor does not invoke functionality on an application program loaded on a printer, as described in claim 1. Rather, executable computer programs 226 in *Yan* access functionality associated with a peripheral device using calls to the virtual machine instructions processor and not in the manner suggested by the Examiner. *See* col. 9, lines 33-37.

Further, FIG. 2 of *Yan* shows an executable computer program 226 being co-located with a peripheral API 228. Therefore, the peripheral API 228 or the Examiner's proposed "agent" is not "remotely located" from the executable computer program 226. On this point, the Examiner contends that an API on a remote peripheral device may be used to invoke functionality on a local peripheral device. However, *Yan* describes that an API residing on a peripheral device is used to translate between a high level virtual language and lower level language commands and parameters specific to the peripheral device. Therefore, an API that resides on one peripheral device is not used to invoke commands on another peripheral device. Rather, each peripheral device has its own API. Therefore, *Yan* does not disclose that an agent is remotely located from an application program, as described in claim 1.

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For at least this reason, independent claim 1 and its dependent claims are allowable over the cited art. For similar reasons, claims 4-31 are allowable over the cited art. The Supplemental Answer further contends that the features of claims 32-37 are disclosed by *Yan*. Page 13. Applicant respectfully disagrees for at least the reasons previously provided in the prior briefs. As an example, claim 32 recites that an amount of resources being utilized by an applet is requested. However, *Yan* diversely describes that an applet gathers information on a peripheral device operation or "determine what areas of the peripheral device need repair." *See* cols. 22-23, lines 61-12. *Yan* does not teach or disclose that the amount of resources being utilized by an applet is communicated to a remote agent. Further, the Examiner contends that the remote agent described in claim 32 is satisfied by an "API of the host device" in *Yan*. *See* page 5. However, with respect to claim 1, the Examiner earlier stated that an API of a remote peripheral device (and not an API of the host device) satisfied the "remote agent" feature. Therefore, Applicant submits that the rejection is improper. Accordingly, independent claim 32 and its dependent claims are allowable over the cited art.

For the reasons presented herein and the reasons earlier presented in the Appeal Brief and Reply Brief, the cited references are deficient in disclosing claimed features of the pending claims, and the arguments set forth in the Appeal Brief and Reply Brief still stand. The rejection of the pending claims should be overturned.

Conclusion

In summary, it is Applicant's position that Applicant's claims are patentable over the applied cited art references and that the rejection of these claims should be overturned. Appellant therefore respectfully requests that the Board of Appeals overturn the Examiner's rejection and allow Applicant's pending claims.

Respectfully submitted,
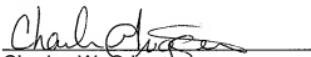
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